

Of counsel:

Ross B. Bricker (*pro hac vice*)  
John F. Ward, Jr. (*pro hac vice*)  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654-3456  
Tel: (312) 222-9350  
rbricker@jenner.com  
jward@jenner.com

Kevin H. Marino  
John D. Tortorella  
MARINO, TORTORELLA & BOYLE, P.C.  
437 Southern Boulevard  
Chatham, New Jersey 07928-1488  
Tel: (973) 824-9300  
kmarino@khmarino.com  
jtortorella@khmarino.com

*Attorneys for Defendant Hertz Equipment Rental Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MIGUEL V. PRO and DAVIS LANDSCAPE,  
LTD., a Pennsylvania corporation, and,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

HERTZ EQUIPMENT RENTAL  
CORPORATION, a Delaware corporation,

Defendant.

)  
) Case No. 2:06-CV-3830 (DMC)  
)  
) Civil Action

) **NOTICE OF MOTION FOR PARTIAL**  
) **SUMMARY JUDGMENT ON**  
) **PLAINTIFFS' LOSS DAMAGE**  
) **WAIVER CLAIMS**

) **Return Date: To Be Determined**

) **ORAL ARGUMENT REQUESTED**  
)  
)

TO: James E. Cecchi, Esq.  
Carella, Byrne, Cecchi, Olstein,  
Brody & Agnello, P.C.  
5 Becker Farm Road  
Roseland, New Jersey 07068

Scott A. George, Esq.  
Seeger Weiss, LLP  
550 Broad Street  
Suite 920  
Newark, New Jersey 07102

Julie Diane Miller, Esq.  
Complex Litigation Group LLC  
513 Central Avenue, Suite 300  
Highland Park, Illinois 60035

**PLEASE TAKE NOTICE** that on a date to be set by the Court, Defendant Hertz Equipment Rental Corporation ("HERC") by and through its undersigned counsel will move

before the Honorable Dennis M. Cavanaugh, U.S.D.J., United States District Court for the District of New Jersey, U.S. Post Office & Courthouse Building, Federal Square, Courtroom 4, Newark, New Jersey 07101, for entry of an Order granting partial summary judgment in HERC's favor and against Plaintiffs Miguel V. Pro and Davis Landscape, Ltd. on Plaintiffs' loss damage waiver claims pursuant to Federal Rule of Civil Procedure 56.

**PLEASE TAKE FURTHER NOTICE** that in support of its motion, HERC will rely on the Memorandum of Law in Support of Defendant's Motion for Partial Summary Judgment on Plaintiffs' Loss Damage Waiver Claims, its Statement of Undisputed Facts Pursuant to L.Civ.R. 56.1 and the Certification of Kevin H. Marino, Esq. submitted herewith, as well as all the pleadings, prior proceedings and other documents filed with the Court in this matter. A proposed form of Order is also submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that HERC respectfully requests oral argument on this motion.

Dated: February 17, 2012

Respectfully submitted,

MARINO, TORTORELLA & BOYLE, P.C.

By: /s/ Kevin H. Marino  
Kevin H. Marino  
John D. Tortorella  
437 Southern Boulevard  
Chatham, NJ 07928-1488  
(973) 824-9300

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(312) 222-9350  
*Attorneys for Defendant Hertz Equipment  
Rental Corporation*